

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mark C. Bach, *et al.*

Docket No.: 6416.US.C1

Anticipated Classification  
of this Application:

Class: 436 Subclass: 164000

Prior Application Serial No.: 09/415,796

For: STRUCTURE AND METHOD FOR  
PERFORMING A  
DETERMINATION OF AN ITEM  
OF INTEREST IN A SAMPLE

Examiner: P. Bex

Group Art Unit: 1743

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**PRELIMINARY AMENDMENT**

Dear Sir:

The following amendment accompanies the 37 C.F.R. 1.53(b) Continuation  
Application of U.S. Serial No. 09/415,796. Examination of this continuation application,  
based upon the following amendment, is requested.

## AMENDMENTS

In the claims:

Please cancel claims 1-26, and substitute therefor:

27. A method of performing a determination of an item of interest in a sample using a single structure, the single structure having a first process path and a second path, and the second process path including a plurality of second process sub-paths, the method comprising the steps of:
  - (a) transferring a sample to a first container in a first process path on the single structure;
  - (b) separating an item of interest in the sample from the contents of the first container in the first process path;
  - (c) transferring the separated item of interest in the sample from the first container in the first process path to a second container in at least one of the plurality of second process sub-paths of the second process path on the single structure;
  - (d) bringing contents of the second container to a first temperature different from a temperature of the first process path in the second process path; and
  - (d) detecting the item of interest in the second container in the second process path.
28. The method of claim 27 further comprising the step of:
  - (f) sealing at least one of the first container and the second container.
29. The method of claim 28 further comprising the step of:
  - (g) removing the seal from at least one of the first container and the second container.
30. The method of claim 27 further comprising the step of:
  - (f) reducing exposure of contents of at least one of the first container and the second container to a contaminant.

31. The method of claim 27 further comprising the step of:
- (f) bringing contents of the second container to a second temperature different from the first temperature in the second process path.
32. The method of claim 27 further comprising the steps of:
- (f) transferring a second sample to a second first container in the first process path;
  - (g) adding a reagent to the second first container in the first process path;
  - (h) transferring contents of the second first container to an optical flow cell on the single structure;
  - (i) illuminating the optical flow cell; and
  - (j) detecting the item of interest in the sample in the optical flow cell.
33. The method of claim 27 wherein the sample is maintained at more than one temperature in the first process path.
34. The method of claim 29 wherein the first process path includes more than one temperature controller.
35. A method of performing a determination of an item of interest in a sample using a single structure, the method comprising the steps of:
- (a) transferring a sample to a container in a process path on the single structure, wherein the process path includes a plurality of sub-paths;
  - (b) separating an item of interest in the sample from the contents of the container in the process path;
  - (c) bringing contents of the container to a first temperature in the process path;
  - (d) transferring the container to at least one of the plurality of sub-paths;
  - (e) bringing contents of the container to a second temperature different from the first temperature in the process path; and
  - (f) detecting the item of interest in the container in the process path.

36. The method of claim 35 further comprising the step of:  
(g) reducing exposure of contents of the container to a contaminant.

37. The method of claim 35 wherein a determination of an item of interest comprises the steps of:  
(g) discerning determinations to be performed by the single structure;  
(h) sorting samples provided to the single structure by at least one common process; and  
(i) transferring the samples to the first process path in an order determined by sorting step (h).

38. The method of claim 37 further comprising the step of:  
(i) allocating an element of the single structure to a given determination based on sorting step (h).

#### REMARKS

This is a continuation application of co-pending application No. 09/415,796. Pending claims 27-38 correspond to those claims canceled without prejudice by way of the Examiner's Amendment dated December 14, 2001 in the parent application. Thus, no new matter has been added by way of the present amendment. If, in the opinion of the Examiner, a telephonic interview would desirably advance the prosecution of the present application, the Examiner is invited to contact applicants' undersigned representative.

Respectfully submitted,

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